

A. G. Contract No. KR98 0567TRN
ADOT ECS File No.: JPA 98-41
Project: 92CH340 H3921 01C
Section: SR-92 @ School Terrace Rd.

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA

AND

THE CITY OF BISBEE, ARIZONA

THIS AGREEMENT is entered into 29 July, 1998
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended,
between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF
TRANSPORTATION (the "State") and the CITY OF BISBEE, acting by and through its
MAYOR AND CITY COUNCIL (the "City").

1. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. The State and the City desire to participate in the design, construction and maintenance of a new traffic signal warranted on SR-92 at the intersection of School Terrace Road in the City, at an estimated cost of \$100,000.00, hereinafter referred to as the Project, for the safety and benefit of the motoring public.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. 28551
Filed with the Secretary of State
Date Filed: 07/29/98
Kathy Lawrence
Secretary of State
By Wicki L. Greenwald

II. SCOPE

1. The State will:

- a. Provide to State standards design plans, specifications and such other documents and services required for construction bidding and construction. Incorporate City review comments as appropriate.
- b. Call for bids and award one or more construction contracts for the Project. Administer same and make all payments to the contractor(s). Confer with the City on any contract modifications. Be responsible for any contractor claims for extra compensation attributable to the State.
- c. Be responsible for the cost of the signal Project, in an amount currently estimated at \$100,000.00.
- e. Upon completion, approve and accept the Project on behalf of the parties hereto and provide maintenance.

The City will:

- a. Review the design documents and provide comments.
- b. Upon completion and acceptance by the State, provide electrical energy to operate the signal.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project and payments; provided, however, that this agreement, except any provisions herein for maintenance and electrical energy, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.
2. This agreement shall become effective upon filing with the Secretary of State.
3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.
4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.
5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

City of Bisbee
City Manager
118 Arizona Street
Bisbee, AZ 85603

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

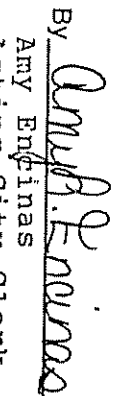
CITY OF BISBEE, ARIZONA

STATE OF ARIZONA
Department of Transportation

By 
Lyle Reddy
Mayor

By 
EDWARD D. WRIGHT
Deputy State Engineer

ATTEST

By 
Amy Encinas
Acting City Clerk

98-41
24jun

RESOLUTION

BE IT RESOLVED on this 29th day of June 1998, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the City of Bisbee for the purpose of defining responsibilities for the design, construction and maintenance of traffic signal improvements to SR-92 at School Terrace Road in the City.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the State Traffic Engineer for approval and execution.



DAVID ALLOCCO, Manager
Engineering Technical Group
for Mary E. Peters, Director

RESOLUTION R-98-17

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE,
COUNTY OF COCHISE, STATE OF ARIZONA, APPROVING AN
INTERGOVERNMENTAL AGREEMENT WITH THE
ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT)

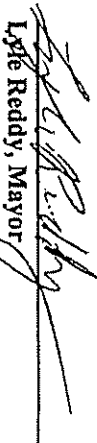
WHEREAS, the City of Bisbee desires to enter into an agreement with the Arizona Department of Transportation for the installation of a Traffic Light at the intersection of State Highway 92 and Naco Highway and State Highway 92 and School Terrace; and

WHEREAS, the Arizona Department of Transportation agrees to pay the full amount of the installation of the two traffic lights;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Bisbee does hereby approve to enter into an agreement with Arizona Department of Transportation for the installation of said Traffic Lights; and

BE IT FURTHER RESOLVED, that Mayor Lyle Reddy is authorized to execute this Intergovernmental Agreement on behalf of the City Council of the City of Bisbee.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Bisbee this 16th day of June, 1998.


Lyle Reddy, Mayor

ATTEST:


Amy Encinas, Deputy City Clerk

APPROVED AS TO FORM:


Jim Conlogue, Attorney

APPROVAL OF THE BISBEE CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF BISBEE and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 9th day of July, 1998.



City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

GRANT WOODS
ATTORNEY GENERAL

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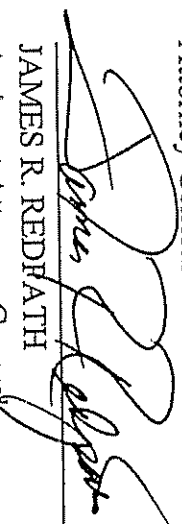
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR98-0567TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATE July 21, 1998.

GRANT WOODS
Attorney General


JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/13846

Enc.